

REMARKS/ARGUMENTS

With this amendment, claims 1 – 4, 6, 7, 10 - 25, and 27 - 32 are in the application. Reconsideration is respectfully requested.

Rejection Under 35 USC § 102(b)

Claim 25 has been rejected as anticipated by Carroll, US Patent No. 4,952,928.

Claim 25 has been amended to include the limitations of now-cancelled claim 26 and is thus not anticipated by Carroll. Applicant addresses in the next portion of this amendment the rejection of amended claim 25.

Rejection Under 35 USC § 103(a)

Claims 1 – 4, 6 – 7, 10 – 29 and 32 have been rejected as obvious in view of the combination of Carroll and Belcher, US Patent No. 6,393,045. Claims 27, 28, and 32 have been rejected as obvious in view of the combination of Carroll and Belcher, and further in view of Chien, US Patent No. 6,512,478.

Claim 1

Carroll is directed to a monitoring system for monitoring people subject to parole or under house arrest. To this end, the tags which are attached to these people are similar in concept to the transponders of the present application and are capable of providing a reply on receipt of an interrogation by a field monitoring device. Carroll, however, does not disclose a transponder writer.

Belcher is said to be combinable with Carroll and provide the transponder writer defined in claim 1, which is operable to send a replacement unique identifier to the transponder for replacement in the transponder memory.

Applicant notes, however, that Belcher does not in fact teach such a transponder writer. For example, in Col. 9, lines 45 – 46 Belcher notes that the transponder circuit 50 contains “*previously stored*” object identification information.

Belcher goes on to describe how this previously stored encoded data is placed on the tag for future use. It is clear that the tags are a single-use device and that the disclosure at column 9 shows how the “object ID information” is placed on the tag in the first instance. There is no

mention as to the object ID information being replaced by subsequent information for future or ongoing use.

The “on-the-fly” application mentioned at column 9, line 55 is not a reference to subsequent uses, but merely a means for placing the object ID information on to the tag when used for the transportation industry. This is demonstrated by the last line being “...at the time of its use” (Col. 9; line 59). It follows that this reference shows the tag is for a single use only. This is consistent with the intended application of the device, in that once a tag is placed on an object being tracked, there is no need to have the object ID information replaced.

Similarly, the system of Carroll would not require a replacement of the ID information because the wearer of the tag must be the person under house arrest. Further, for both Belcher and Carroll the unique identifier identifies the “object” to which the tag is attached. The unique identifier of the present invention, however, also includes the security status of the wearer and not merely the wearer himself.

One example of the “replacement” feature of claim 1 can be found in Figure 9 and at paragraphs 90 - 94 of the present application. In this embodiment, the “replacement” feature includes that, after verification of the unique identifier, it may lead to a replacement of the unique identifier. This may be after an expiration time, or a change of status of the wearer. Further, replacement according to the embodiment of Figure 9 may also include disabling the unique identifier if the wearer has transgressed the security zone.

An view of the foregoing, applicant respectfully submits that neither Belcher nor Carroll disclose the replacement of the unique identifier as recited in claim 1. Moreover, none of the underlying applications of the system disclosed in Belcher or Carroll requires a replacement and, therefore, there is no suggestion of providing such a replacement feature. Consequently, claim 1 and the claims depending therefrom are allowable over the art of record.

Claim 11

As respects claim 11, the office action states that the portability of the transponder reader is disclosed by Carroll on the basis that “...it must be portable in order to get there.” (Page 8 of office action)

In reply applicant notes that the claim terms should be given the broadest reasonable interpretation as one of ordinary skill would understand them. In the case at hand (claim 11) a person from the electronic security industry would view a device that is “portable” to be something that can normally be carried around freely. A “portable” transponder reader is a device that could be comfortably used with one or two hands and so generally relates to hand-held devices. There is no such disclosure, or suggestion in either Carroll or Belcher.

In fact, Carroll teaches away from a portable transponder reader, since someone under house arrest could apparently carry away such a device. The cited prior art references describe objects or people which move within fixed areas, with no disclosure that the personal attention of a security officer is required. It follows, therefore, that the transponder readers of Belcher and Carroll are intended to be fixed in place, and in any event there is no disclosure that they are portable in the sense that the term “portable” should be construed here.

Claim 13

The Examiner suggests that claim 13 merely discloses a “central computer” identifying the location of the transponder readers and mapping the path of a particular transponder within that area. In fact, claim 13 provides for, among other things:

“an access database setting out access parameters for the secured area and the carrier of a transponder...”.

Carroll cannot include something of this nature because someone under house arrest is either in the secured area or outside the range of the transponder readers. Therefore, there are no “access parameters” to be established. The secure area of Carroll is one homogenous area in which the person under house arrest may travel. The embodiment described in claim 13 foresees that within the secured area as a whole, there will be multi-layered access parameters whereby one person may be authorized to go within one area but another may not. Thus, the database provides an “electronic map” that keeps a record of the authorization required for different areas within the secured area. As this is not required of Carroll, then Carroll cannot suggest this feature and, therefore, claim 13 is patentable over the art of record.

Claim 14

In rejecting claim 14 the Examiner states that that a person under house arrest would trigger a warning should they come within the vicinity of an interrogating transponder reader for which the person is not authorized.

Applicant submits, on the contrary, that a person under house arrest is required to stay within a monitored zone. An alarm or trigger would only occur if an interrogation by the system did not receive a reply, suggesting the person is outside that zone. This is not the subject matter of claim 14.

Claim 14 covers specific areas having transponder readers which, on interrogation, will identify unauthorized people within that vicinity. Because the limitations placed on someone under house arrest or under parole are too vast, it is inconceivable that there be transponder readers located in the vicinity of any unauthorized locations, for instance, gun stores.

By contrast, the system of the present invention is directed to controlling access within specified zones, and in this embodiment, includes having a transponder reader in the vicinity of sensitive areas which can interrogate users to determine whether or not they are authorized to be there. Accordingly, claim 14 is patentable over the prior art.

Claims 19 and 20

With reference to the objections to claims 19 and 20, and as previously stated, neither Carroll nor Belcher make reference to the replacement of the unique identifier nor in either case would this be required. Consequently, neither Carroll nor Belcher disclose or suggest the subject matter of these claims.

Claims 24 and 30

On page 5 of the office action the grounds applied for rejecting claim 1 are similarly applied to claims 24 and 30. In reply, applicant submits that claims 24 and 30 are allowable for the reasons described above. More particularly, applicant again notes that the only disclosure of writing a unique identifier is that disclosed in Belcher, and in that case the writing of the unique identifier is a one-time situation and, therefore, there is no disclosure that the unique identifier of Belcher can be replaced. Thus, the RF responder according to claims 24 and 30 is patentable over Carroll and Belcher.

Claim 25

Claim 25 has been amended to include the limitations of now-cancelled claim 26. In this regard, the reader of claim 25 is defined as being a portable unit and operable to transmit the unique identifier to a security processor for identity verification. As noted above, however, especially in respect to the remarks concerning claim 11, neither Carroll nor Belcher require the transponder reader to be portable as there is no requirement for individual personnel to interrogate a transponder.

Accordingly, claim 25 and the claims depending therefrom are patentable over the art of record.

Claim 32

The embodiment described in claim 32 seeks to investigate intruders entering into a secured area and in so doing interrogate the transponder. Thus, the system becomes an “active” security system by not only having intermittent interrogation of all transponders within the region but also transponders coming within the vicinity of a highly sensitive area.

Despite combining three individual and distinct references (Carroll, Belcher and Chien), the rejection grounds fail to set forth all of the elements defined in claim 32.

As stated in MPEP sections 2143, to establish a proper *prima facie* case of obviousness, the combined prior art references must teach or suggest all the claim limitations. In the case at hand the combination proposed by the Examiner does not result in a motion detector associated with a transponder reader.

Further, applicant submits that one of ordinary skill, when considering whether to use Chien, would identify motion detector within a transponder as more likely to be an accelerometer or other mechanical motion detector, such as the “self winding watch” arrangement at column 25, line 41 of that reference.

The motion detector of the present invention includes an infrared motion detector (paragraph 66 of the present application) which will scan an area for which the transponder reader seeks to interrogate a transponder. Despite a coincidence in language, the motion detector of Chien is, in fact, quite a different device from the motion detector of the present invention. Thus, neither Chien nor any other references provides the suggestion needed for making the combination of references proposed by the Examiner. Consequently, a proper *prima*

facie case of obviousness has not been made in the office action, and the rejection should be withdrawn.

Conclusion

In view of the foregoing, applicant believes that all of the currently pending claims are in condition for allowance, and an early notification to that effect is respectfully requested. If the Examiner has any questions, he is invited to contact applicant's attorney at the below-listed telephone number.

Respectfully submitted,
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